



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed May 24, 2023

Mark X. Mullin
United States Bankruptcy Judge

St. Clair Newbern, III
State Bar No. 14941000
scniii@me.com
LAW OFFICES OF
ST. CLAIR NEWBERN, III, P.C.
P.O. Box 101477
Fort Worth, Texas 76185
Telephone: (817) 925-7007
ATTORNEYS FOR OMNI THERM, INC.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

WATER NOW, INC.

DEBTOR

§
§
§
§
§
§
§
§

IN PROCEEDINGS UNDER

CHAPTER 7

CASE NO. 23-40678-MXM-7

**AGREED ORDER ON MOTION FOR RULE 2004 EXAMINATION OF
REPRESENTATIVE OF WATER NOW, INC. AND OTHERS
AND REQUEST FOR INSPECTION**

On this day came to be heard the Motion for Rule 2004 Examination of a Representative of Water Now, Inc. and other parties, a request for production of certain Documents including, but not limited to, all manner of drawings, blueprints, shop drawings, including patents identified in the Schedules of Assets and Liabilities and Statement of Financial Affairs of the

Debtor, including its affiliate, Hydraspin, Inc., and an examination including dismantling, to the extent necessary to determine if the patents of Omni Therm, Inc., as identified in the Motion, have been infringed by the Debtor or Hydraspin, Inc by incorporation into the design or manufacture of certain equipment belonging to Water Now, Inc. or Hydraspin, Inc. (hereinafter the “Motion”) (Docket No. 16), and the Court, after reviewing said Motion and the agreement announced by counsel for the Debtor, the Trustee and counsel for the Movant, Omni Therm, Inc., is of the opinion that the Motion should be granted, therefore,

IT IS ORDERED, ADJUDGED AND DECREED that the current Chief Executive Officer, Gary Westerlage, David King, together with the individual who signed the Petition, Schedule of Assets and Liabilities and Statement of Financial Affairs or other parties, not yet identified, but including the parties that are identified as “Co-Debtors” in Schedule “H”, filed by the Debtor, shall appear for an examination under Bankruptcy Rules 2004, 7030 and 7034 by Omni Therm, Inc, as directed by Counsel for Omni Therm, Inc., as agreed between the parties or upon being subpoenaed;

IT IS FURTHER ORDERED that the current Chief Executive Officer of the Debtor, Gary Westerlage, along with David King, the former Chief Executive Officer of the Debtor, and the parties identified as Co-Debtors on Schedule “H” shall, subject to all applicable privileges, produce the documents described in the Motion on reasonable notice, at the offices of counsel for Omni Therm, Inc. or a place designated by counsel for Omni Therm, Inc. at such a place as agreed upon by the parties, and produce and deliver to Counsel for Omni Therm, Inc. a true copy of the “Hard Drive” (free of any personal information such as Social Security numbers or similar personal identifying information) provided to the Trustee by Counsel for the Debtor.

IT IS FURTHER ORDERED that the examination will be set by the agreement of the parties and will be held at a place agreed to by the parties. However, if no agreement can be reached, not less than Ten (10) days written notice of the document production and examination shall be sufficient.

IT IS FURTHER ORDERED that Omni Therm, Inc., with the consent of the Trustee, may remove and disassemble any water purification machine that is in the possession of the Trustee, to determine whether Omni Therm, Inc.'s patents have been infringed, returning the machine to the possession of the Trustee when Omni Therm, Inc.'s disassembly, inspection and reassembly is completed.

###END OF ORDER###

Approved By:

LAW OFFICES OF
ST. CLAIR NEWBERN, III
A Professional Corporation

By: /s/ St. Clair Newbern, III
ST. CLAIR NEWBERN, III
State Bar No. 14941000
P.O. Box 101477
Fort Worth, Texas 76185
Telephone: (817) 925-7007
scniii@me.com
ATTORNEYS FOR CREDITOR,
OMNI THERM, INC.

Wick Phillips Gould and Martin, LLP

By: /s/ Scott D. Lawrence (with permission)
SCOTT D. LAWRENCE
State Bar No. 24087896
3131 McKinney Ave., Suite 500
Dallas, Texas 75204
Telephone: (214) 692-6200
Scott.lawrence@wickphillips.com
ATTORNEYS FOR DEBTOR,
WATER NOW, INC.

Laurie D. Rea
ROCHELLE, McCULLOUGH, LLP

By: /s/ Laurie D. Rea (with permission)
LAURIE D. RAE
State Bar No.
300 Throckmorton Street, Suite 520
Fort Worth, TX 76102
Telephone: (817) 347-5260
trusteelaurierea@gmail.com
CHAPTER 7 TRUSTEE